

REMARKS

This amendment is responsive to the office action dated July 3, 2008. Claims 13-17, 30 and 32 have been amended. Claims 1-12, 23, 25-29, 31 and 33 have been canceled in view of the withdrawn claims now being canceled herein. Thus, claims 13-22, 24, 30 and 32 remain pending in this application.

I. Claim Rejections Under Section 101

The office action states that claims 13-22, 24, 30 and 32 are rejected under Section 101 as reciting a process that is directed to purely mental steps.

Applicant has noted *In re Bilski* cited by the examiner. As in the office action, for an invention to comply with Section 101, that case requires that the process 1) be tied to another statutory class, such as a particular apparatus; or 2) transform underlying subject matter (such as an article or materials) to a different state or thing. The office action also notes that the process must positively recite the other statutory class to which it is tied by identifying the apparatus that accomplishes the methods steps, or positively recite the subject matter that is being transformed, for example, by identifying the material that is being changed to a different state.

In accordance with the examiner's comments, applicant has amended the claims, namely, the sole independent claim 13 to better comply with Section 101 under *In re Bilski*. More specifically, applicant has amended independent claim 13 to include claim language that ties the process to another statutory class and also transforms the underlying subject matter to a different state or thing. Claim 13 now includes language that calls for differences in population density plotted on a graph and compiled within a data set and then stored within data records. These data records are then operated upon (e.g. appending a notation to the data record of each fund, appending a count of the population-area to a given data record) in

accordance with the method of the present invention. Also, claim 13 also requires that boundaries of the population-areas are drawn through the points of standardized average returns.

Claim 13 includes concrete elements within a statutory class, such as data records and graphs. Also, the data record is transformed into a different state by the aforementioned operation upon the record to change that record in accordance with the claimed invention.

In view of the amendments herein, applicant submits that claim 13 complies with Section 101 under *In re Bilski*. Since independent claim 13 now complies with Section 101, applicant submits that dependent claims 14-22, 24, 30 and 32 on claim 13 also now comply with Section 101.

II. Conclusion

Accordingly, claims 13-22, 24, 30 and 32 are believed to be in condition for allowance. Reconsideration of the rejections is requested by application.

If an extension of time is required for timely submission of this response, Applicant hereby petitions for an appropriate extension of time and the Office is authorized to charge Deposit Account 02-0900 for the appropriate additional fees in connection with the filing of this response.

The Examiner is invited to telephone the undersigned should any questions arise.

Respectfully submitted,

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